

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 17-M-5204
SEALED

STEVEN BRZEZINSKI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 30, 2017, in the County of Erie, in the Western District of New York, the defendant did knowingly possess child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

MICHAEL K. HOCKWATER
Task Force Officer
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: July 7, 2017

Judge's signature

City and State: Buffalo, New York

MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Michael K. Hockwater, being duly sworn, depose and state:

INTRODUCTION

1. I am a Police Detective with the Town of Cheektowaga, New York Police Department. I have been a Police Officer since August of 1989. I am currently assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), Buffalo Field Office, Child Exploitation Task Force (CETF), Innocent Images National Initiative, which targets individuals involved in the on line sexual exploitation of children. I have been a TFO since June 14, 2010. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography². I make this affidavit in support of a criminal complaint charging **STEVEN BRZEZINSKI** ("BRZEZINSKI"), with a violation of Title 18 U.S.C. Section 2252 A (a)(5)(B) [Possession of Child Pornography].

2. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Special Agent of the FBI. Because

this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that BRZEZINSKI knowingly violated Title 18, United States Code, Section 2252A(a)(5)(B).

3. In May 2017 your affiant was made aware of an incident brought to the Buffalo FBI's Child Exploitation Task Force from the Erie County Probation Department involving STEVEN BRZEZINSKI (Hereinafter BRZEZINSKI) wherein an RCA tablet owned by BRZEZINSKI was found to contain images believed to be child pornography.

4. On May 18, 2017 pursuant to a signed search warrant, BRZEZINSKI's RCA tablet was forensically searched by an approved forensic tool at FBI Buffalo. As part of that forensic search the Gmail account associated with the RCA tablet was determined to be stevenbrzezinski13@gmail.com. That search recovered eight videos of confirmed child pornography. However, based on what was previously observed by your affiant, it appeared that not all of the child pornography had been found utilizing the forensic tool. Therefore, following the forensic search, a manual search was then conducted of the RCA tablet.

5. Inside the Google Photos application, your affiant observed several thumbnails of child pornography videos. There were multiple thumbnails of videos displayed on multiple dates including February 28, March 1, and March 5. However, when your affiant tried to watch the videos, they would not respond or open. The device was placed in airplane mode, which prevents the device from connecting to the internet, when it was taken into custody, as

is protocol. The Google Photos application is a photo sharing and storage application connected to a user's Google Gmail account.

6. The RCA tablet was then taken off of airplane mode and allowed to connect wirelessly to the internet. Once the RCA tablet was connected to the internet, your affiant touched upon one specific thumbnail which was dated, "Sunday Mar 5". The video immediately started to play and your affiant observed a pre-pubescent male dancing without wearing a shirt. The pre-pubescent male then pulled down his pants and underwear exposing his penis while continuing to dance. The filename for this video is 14cb6678-e553-43be-a32e-29e2bdc7da66.mp4. This caused your affiant to determine there was child pornography contained in BRZEZINSKI's Google Cloud.

7. On May 30, 2017, a search warrant was signed and executed for BRZEZINSKI's Google Cloud account stevenbrzezinski13@gmail.com. A review of the information provided by Google, Inc. pursuant to the search warrant revealed BRZEZINSKI's Google Cloud account contained approximately one hundred ten (110) images and twenty-six (26) videos, which based on my training and experience, constitute child pornography. The previously described video bearing filename 14cb6678-e553-43be-a32e-29e2bdc7da66.mp4 was recovered in BRZEZINSKI's Google cloud account

8. Included in the table below is a summary of five (5) of the child pornography videos found in BRZEZINSKI's Google Cloud account.

File Name	Description
edf5c2b5-6acf-4964-b71e-3913312657ae.mp4	Prepubescent male, approximately ten years old performing oral sex on an adult male
fb54a740-8555-449c-af03-18255e971f73.mp4	Naked, prepubescent male, approximately ten years old sitting on an empty water bottle and inserting it into his anus
Screenshot_2017 0215-204938.png	Prepubescent female approximately six years old, performing oral sex on an adult male
Video Jul30, 837 12PM.mp4	Naked, prepubescent female approximately six years old, performing oral sex on an adult male.
9b8d8732-7085-4391-bae1-94acde23a6f4.mp4	Naked, prepubescent male, approximately eight years old playing a video game, and is then approached by an adult male who performs anal sex on the child.

9. Included in the table below is a summary of three (3) videos found on BRZEZINSKI's RCA computer tablet model RCT6873W42.

File Name	Description
0_0c51b921-8dd6-46fb-80a5-9e19e62b2bef_blob	Prepubescent naked male, approximately ten years old squatting over a plastic water bottle which is inserted into his anus.

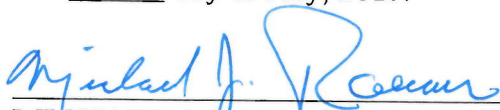
0_144d2efc-6e20-40c2-b31a-50f76c8c9f1e_blob	Female approximately 15 years old, laying on her back naked inserting her finger into her vagina and the handle of a hairbrush into her anus.
0_141d2ea8-35b5-4b64-8649-79c0c4bd6f6a_blob	Prepubescent female approximately six years old, performing oral sex on an adult male

10. Based upon the foregoing, I respectfully submit that I have probable cause to believe that STEVEN BRZEZINSKI has violated Title 18, United States Code, Section 2252A(a)(5)(B) [Possession of Child Pornography].



MICHAEL K. HOCKWATER
Task Force Officer
Federal Bureau of Investigation

Sworn and subscribed to before me
this 7th day of July, 2017.



MICHAEL J. ROEMER
United States Magistrate Judge